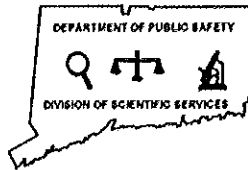


STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

John A. Danaher III
Commissioner

Lieutenant Edwin S. Henion
Chief of Staff

March 5, 2010

Rep. Brendan Sharkey, Co-Chairman
Sen. Eric D. Coleman, Co-Chairman
Planning and Development Committee
Legislative Office Building
Hartford, CT 06106

SB 338 AN ACT REDUCING DEVELOPMENT BURDENS***The Department of Public Safety opposes this bill.***

This bill would allow a municipality to require their building official to issue a certificate of occupancy when any licensed professional engineer certifies that a building, structure or work performed substantially conforms to the provisions of the State Building Code.

Proper enforcement of the State Building Code, including construction inspections and the issuance of a certificate of occupancy by the building official only when all requirements of the code have been met, is not a 'development burden' but rather an important safety measure.

The State of Connecticut has learned the hard way that such a 'sign off' process does not assure compliance with the State Building Code. It cost millions of dollars to correct the work that was performed under the UCONN 2000 Program that utilized just such a process, having licensed professionals sign off to assure the work complied with the State Building Code. Recognizing this process did not work, the General Assembly specifically did not allow this type of oversight in the Connecticut State University System 2020 Construction Program (PA 07-07).

This proposed bill would allow towns to use a process that the experience of the state has shown not to be good public policy. Additionally, even if the process worked conceptually, this bill would need major overhaul in that all engineers, mechanical, electrical, structural, landscape, etc., are licensed under Section 20-302, of the Connecticut General Statutes. The proposed bill would allow a landscape engineer to sign off on structural work, a mechanical engineer to sign off on electrical work, etc.

While engineers are generally familiar with their specific area of expertise; structural, electrical, mechanical, civil, etc., few of them have the overall knowledge of all facets of the State Building Code and other areas of construction to be able to assess the entire construction job for violations or potential safety issues.

This proposed bill essentially gives the municipality the authority to choose more than one entity as having jurisdiction for specific projects at will. This could actually complicate construction communication and not expedite issues. There is a value in having one "authority having jurisdiction" in assuring that the state building code will be uniformly enforced in the municipality. The public welfare and safety would be jeopardized if developers can forum shop for an authority that will be as lax as possible in signing off on compliance. This bill actually would allow the professional engineer to issue a written certification without any requirement for inspections.

While the intent of this bill may be worthwhile, there are provisions of existing code procedure that can be used to expedite projects that may require particular expertise. The State Building Code has provisions to assist a municipality if it wants to expedite the building construction inspection and certificate of occupancy issuance. Section 104.4 of the 2003 International Building Code portion of the 2005 State Building Code, for example, gives the Building Official the authority to obtain the assistance of experts for various technical issues that may be complex to the specific project. This typically would involve hiring individuals for a specific expertise.

Passage of this bill is not in the interests of public safety.

Sincerely,



John A. Danaher III
COMMISSIONER